

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

ORDER ADOPTING MAGISTRATE
REPORT AND RECOMMENDATION

MARK S. RICHICHI,

03-CV-5322(JS)(WDW)

Defendant.

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Appearances:

For Plaintiff: Douglas M. Fisher, Esq.
Solomon & Solomon
Five Columbia Circle
P.O. Box 15019
Albany, New York 12203

For Defendant: Gary C. Fischhoff, Esq.
Steinberg, Fineo, Berger & Fischhoff, P.C.
40 Crossways Park Drive
Woodbury, New York 11797

SEYBERT, District Judge:

Upon review of the Report and Recommendation of Magistrate Judge William D. Wall, dated August 12, 2005, to which no party has objected, the Court hereby ADOPTS the Report and Recommendation in its entirety.

By Order, dated June 30, 2005, this Court granted summary judgment to the Plaintiff and referred this action to Judge Wall for a determination as to the amount of damages. Plaintiff submitted an affirmation to Judge Wall delineating damages, including interest, of \$104,133.45 and attorney's fees of \$1700. Defendant submitted a letter which did not dispute the amount of damages but disputed liability. Judge Wall recommended that this Court award the Plaintiff the damages as delineated in the

affirmation.

The Court sent a copy of the Report and Recommendation to all parties and ordered that objections be filed within 10 days of service or the right to appeal would be waived. The docket shows that no objections were filed. As no party has filed objections to the Report and Recommendation, all objections are hereby deemed to have been waived.

Accordingly, the Court ADOPTS the Report and Recommendation in its entirety and hereby awards damages, including interest, of \$104,133.45 and attorney's fees of \$1700. The Clerk of the Court is directed to mark this case as CLOSED.

SO ORDERED

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
September 14, 2005